IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 12797 of 2005

Between:

K. Seshagiri Rao, S/o. Kotaiah,
Electricity Revenue Office NPDC Limited, Warangal.

..... PETITIONER

AND

1 Superintending Engineer, OP. Northern Power Distribution Company Of AP Limited, Warangal.
2 Assistant Divisional Engineer,(P), N.P.D.C.Ltd., Hanmakonda.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction and more particularly one in the nature of Writ of Mandamus declaring the disciplinary proceedings initiated by 1st Respondent in Memo No. SE/OP/WGL/Estt.U1/D.No. 1883 dated 26-11-2004 and the proposed punishment of reversion for a period of 3 years as illegal, arbitrary, without jurisdiction, and mala fide and to pass such other order or orders

Counsel for the Petitioner: MR.J.SIDDAIAH

Counsel for the Respondents: MR.SAMINENI KISHORE

The Court made the following :

O R D E R:

This Writ Petition is filed by the petitioner aggrieved by the proceedings dated 04.03.2005 under which the 1st respondent accepted the enquiry report and has

come to the provisional conclusion to award punishment of reversion to the lower cadre i.e., LDC for a period of three years for grave charge proved, besides treating the period of suspension of the petitioner as suspension duly limiting to the subsistence allowance already paid.

2. According to the petitioner, as no opportunity was given to him before accepting the enquiry report, the impugned order-show cause notice for imposing punishment is illegal and without jurisdiction. In fact, it is stated by the learned counsel for the petitioner that even the enquiry report was not furnished to the petitioner before it is being accepted by the disciplinary authority. Therefore, the impugned action of the respondents is illegal and without jurisdiction.

3. This Court while directing the respondents to get instructions, passed orders on 16.06.2005 directing the respondent not to pass any order, if not already passed, pending further orders. Today when the matter came up for hearing, the learned Counsel for the Respondents seeks further time for filing counter. As the impugned order-show cause notice issued by the 1st respondent is not in accordance with the decisions of the Supreme Court, the impugned proceedings are liable to be set aside.

4. Accordingly, the impugned proceedings are set aside. The respondents are further directed to issue show cause notice to the petitioner calling for explanation before accepting the findings of the Enquiry Officer as per the report, and after considering the explanation submitted by the petitioner, then only the respondents can pass orders, accepting or otherwise of the findings of the Enquiry Officer as per the report. After such consideration of the enquiry report and the objections of the petitioner, if any, it is open to the respondents to pass appropriate orders, including the suitable punishment if circumstances warrant. While issuing show cause notice, the respondents are obligated to serve a copy of the enquiry report to the petitioner.

5. The Writ Petition is accordingly disposed of. No costs.

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S. Ananda Reddy, J.

Dt. 22.06.2005

Kvh

To

1 Superintending Engineer, OP. Northern Power Distribution Company Of AP Limited, Warangal.
2 Assistant Divisional Engineer,(P), N.P.D.C.Ltd., Hanmakonda.